

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SPACETIME3D, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:19-CV-00372-JRG

ORDER

Before the Court is Plaintiff SpaceTime3D, Inc.’s (“Plaintiff” or “SpaceTime3D”) Motion Seeking Leave to Supplement its Infringement Contentions (“Plaintiff’s Motion”). (Dkt. No. 71). Also before the Court is Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (collectively, “Defendants” or “Samsung”) (together with Plaintiff, the “Parties”) Motion for Leave to Amend Invalidity Contentions (“Defendants’ Motion”). (Dkt. No. 91).

The Parties filed a Joint Stipulation Regarding the Parties’ Motions for Leave to Supplement or Amend Infringement and Invalidity Contentions (the “Stipulation”). (Dkt. No. 97). In the Stipulation, the Parties agree that there exists good cause for their respective amendments and supplementations. (*Id.* at 2). In the Stipulation, Samsung also withdraws its previously-filed opposition to Plaintiff’s Motion. (*Id.* at 1).

Local Patent Rule 3-6(b) allows parties to amend or supplement their invalidity and infringement contentions “by order of the Court, which shall be entered only upon a showing of good cause.” Courts consider four factors under the good cause standard: “(1) the explanation for the failure to meet the deadline; (2) the importance of the thing that would be excluded; (3)

potential prejudice in allowing the thing that would be excluded; and (4) the availability of a continuance to cure such prejudice.” *Uniloc 2017 LLC v. Google LLC*, 2:18-cv-493-JRG-RSP, 2019 WL 6465318, at *1 (E.D. Tex. Dec. 2, 2019).

The Parties agree that, with respect to Plaintiff’s Motion, “good cause exists because SpaceTime3D exercised diligence in promptly moving to amend its contentions following Samsung’s production of source code, the proposed supplement is important because it furnishes additional details and source code evidence regarding Defendants’ devices, and Defendants will suffer no prejudice.” (Dkt. No. 97 at 2). The Parties also agree that, with respect to Defendants’ Motion, “Samsung has shown good cause because it has diligently pursued third-party discovery and notified SpaceTime3D of its attempts to obtain said discovery, the amendments are important because, in Samsung’s view, they help demonstrate the functionality of prior art systems, and SpaceTime3D will not be prejudiced by the amendments.” (*Id.*). The Court agrees with the Parties and finds that good cause has been shown.

Having considered the Motions, and in light of the Parties’ Stipulation, the Court is of the opinion that the Motions should be and hereby are **GRANTED**. SpaceTime3D is therefore **ORDERED** to serve its supplemented P.R. 3-1 Infringement Contentions on Samsung by or before **5:00 p.m. on Wednesday, December 2, 2020**. Samsung is **ORDERED** to serve its amended P.R. 3-3 Invalidity Contentions on SpaceTime3D by or before **5:00 p.m. on Wednesday, December 2, 2020**.

So ORDERED and SIGNED this 25th day of November, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE